

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TPK, INC.,)	
)	
Plaintiff,)	Civil Action No. 16-1343
)	
v.)	
)	United States Magistrate Judge
WESCO INSURANCE COMPANY and)	Cynthia Reed Eddy
AMTRUST NORTH AMERICA, INC.,)	
)	
)	
Defendants.)	

ORDER REMANDING CASE TO STATE COURT

Cynthia Reed Eddy, United States Magistrate Judge¹

On August 30, 2016, this action was removed to the Court from the Court of Common Pleas of Westmoreland County, Pennsylvania. (ECF No. 1). In their notice of removal, Defendants assert that the Court has subject matter jurisdiction under 28 U.S.C. § 1332(a), which requires, *inter alia*, that the amount in controversy exceed the sum or value of \$75,000, exclusive of interest and costs.

Consistent with the parties' prior discussions with the Court,² on January 10, 2017, Plaintiff filed a stipulation regarding damages in which it "stipulates that the amount in controversy in the instant action does not exceed the sum or value of Seventy-Five Thousand (\$75,000) Dollars, exclusive of interest and costs." (ECF No. 19). Therefore, Plaintiff believes that this action should be remanded to the Court of Common Pleas of Westmoreland County, Pennsylvania. *Id.* The Court agrees. *See Standard Fire Ins. Co. v. Knowles*, 133 S. Ct. 1345,

¹ In accordance with 28 U.S.C. § 636(c), the parties have voluntarily consented to have the undersigned conduct any and all proceedings in this action. (ECF Nos. 9, 11).

² *See* Minute Entries from 11/29/2016 (ECF No. 16), 12/12/2016 (text-only), and 1/4/2017 (text-only).

1349 (2013) (“[F]ederal courts permit individual plaintiffs, who are the masters of their complaints, to avoid removal to federal court, and to obtain a remand to state court, by stipulating to amounts at issue that fall below the federal jurisdictional requirement.”); 28 U.S.C. § 1447(c) (“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”); *see also* Fed.R.Civ.P.12(h)(3). Accordingly, the Court enters the following Order.

AND NOW, this 11th day of January, 2017, it is hereby **ORDERED** that this case is remanded to the Court of Common Pleas of Westmoreland County, Pennsylvania. Accordingly, all deadlines in the Case Management Order from November 29, 2016 are terminated, and the Telephone Status Conference scheduled for January 12, 2017 is cancelled.

By the Court:

s/ Cynthia Reed Eddy
Cynthia Reed Eddy
United States Magistrate Judge

cc: all registered counsel via CM-ECF